

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

UNITED STATES OF AMERICA,)

)

PLAINTIFF,)

)

V.)

CASE NO: 1:09-cv-02423-KOB

)

JAMES J. STRICKER, et. al.,)

)

DEFENDANTS.)

)

MOTION TO DISMISS

Come the Defendants, **Don Barrett, The Barrett Law Firm, PA, Charles E. Fell, Jr., Charles Cunningham, Jr, and Cunningham & Fell, PLLC**, by counsel, pursuant to FRCP 12(b)(6)&(8) and file this Motion to Dismiss on the basis that the Complaint fails to state a claim upon which relief can be granted. Attached to this Motion, the Court will find a Memorandum in support of the Defendant's Motion to Dismiss.

Respectfully submitted,

/s/ J. Gusty Yearout

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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of February, 2010, I electronically filed the foregoing Motion to Dismiss, Memorandum in Support of the Motion to Dismiss, and Exhibits with the Clerk of the Court using the CM/ECF system, which will send an electronic notification of such filing to the following:

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And I hereby certify that I have mailed by United States Postal Service the document to the following non-CM-ECF participants:

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